

ATTACHMENT TO NOTICE OF ALLOWANCE

A request for continued examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/1/05 has been entered. Applicant's amendment and response also received on 4/1/05 has been entered. Claims 3, 20, 28-31, and 34-35 are now canceled, and new claims 36-39 have been added. Claims 1-2, 4-19, 21-27, 32-33, and 36-39 are currently pending in the instant application.

Withdrawn Rejections

The rejection of claims 1-2, 4-17, 32-33, and 35 under 35 U.S.C. 103(a) as being unpatentable over Hurpin et al. (1998) Vaccine, Vol. 16 (2/3) 208-215, in view of Hodge et al. (1997) Vaccine, Vol. 15, No. 6/7, 759-768, US Patent No. 6,127,116 (10/3/00), filed on 3/4/97 and hereafter referred to as Rice et al., and Lehner et al. (1999) J. Infect. Dis., Vol. 179 (Suppl 3), S489-S492, the rejection of claims 18-19 under 35 U.S.C. 103(a) as being unpatentable over Hurpin et al. (1998) Vaccine, Vol. 16 (2/3) 208-215, in view of Hodge et al. (1997) Vaccine, Vol. 15, No. 6/7, 759-768, US Patent No. 6,127,116 (10/3/00), filed on 3/4/97 and hereafter referred to as Rice et al., and Lehner et al. (1999) J. Infect. Dis., Vol. 179 (Suppl 3), S489-S492, as applied to claims 1-2, 4-17, 32-33, and 35 above, and further in view of Zaremba et al. (1997)

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Canc. Res., Vol. 57, 4570-4577 and Salgaller et al. (1996) Canc. Res., Vol. 56, 4749-4757, and the rejection of claims 21-27 under 35 U.S.C. 103(a) as being unpatentable over Hurpin et al. (1998) Vaccine, Vol. 16 (2/3) 208-215, in view of Hodge et al. (1997) Vaccine, Vol. 15, No. 6/7, 759-768, US Patent No. 6,127,116 (10/3/00), filed on 3/4/97 and hereafter referred to as Rice et al., and Lehner et al. (1999) J. Infect. Dis., Vol. 179 (Suppl 3), S489-S492, as applied to claims 1-2, 4-17, 32-33, and 35 above, and further in view of Barnett et al. (1997) Vaccine, Vol. 15(8), 869-873, are all withdrawn in view of applicant's amendments to the claims and arguments. See the Reasons for Allowance section below for more details.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 4/1/11 is in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the information disclosure statement has been considered by the examiner, and an initialed and signed copy of the 1449 is attached to this action.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: the prior art of record, including the references cited in the withdrawn 103 rejections above, and Hadzantonis et al., cited by the IDS of 4/1/11, does not teach or suggest to administer a tumor antigen in two different forms directly to the same lymph node. Although the 103 rejections cited motivation to

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practice a prime-boost protocol with two different forms of the same antigen using intranodal administration, none of the cited references alone or in combination, nor the state of the prior art provides sufficient motivation to administer the two different forms of antigen to the exact same lymph node or nodes as now claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 1-2, 4-19, 21-27, 32-33, and 36-39 are allowed.

Any inquiry concerning this communication from the examiner should be directed to Anne Marie S. Wehbé, Ph.D., whose telephone number is (571) 272-0737. If the examiner is not available, the examiner's supervisor, Joseph Woitach, can be reached at (571) 272-0739. For all official communications, the technology center fax number is (571) 273-8300. Please note that all official communications and responses sent by fax must be directed to the technology center fax number. For informal, non-official communications only, the examiner's direct fax number is (571) 273-0737. For any inquiry of a general nature, please call (571) 272-0547.

The applicant can also consult the USPTO's Patent Application Information Retrieval system (PAIR) on the internet for patent application status and history information, and for electronic images of applications. For questions or problems related to PAIR, please call the USPTO Patent Electronic Business Center (Patent EBC) toll free at 1-866-217-9197.

Representatives are available daily from 6am to midnight (EST). When calling please have your application serial number or patent number available. For all other customer support, please call the USPTO call center (UCC) at 1-800-786-9199.

Dr. A.M.S. Wehbé

/Anne Marie S. Wehbé/
Primary Examiner, A.U. 1633